

SENATOR FRANK R. LAUTENBERG

RULES COMMITTEE HEARING

Wednesday, July 28, 2010

Mr. Chairman and Ranking Member Bennett,

I want to thank you for holding this important hearing, and I'd like to thank my fellow witnesses for joining us here today.

In the iconic movie, "Mr. Smith Goes to Washington," Jimmy Stewart plays a United States Senator who launches a filibuster to stop a bad piece of legislation from moving forward. To maintain his filibuster, Mr. Smith stood on his feet on the Senate floor and spoke continuously for 23 hours.

Eventually his passion, fortitude and arguments win the day.

The movie's portrayal of a filibuster has seeped into the American consciousness, but few realize that the movie version of the filibuster bears little resemblance to what is going on in the Senate today.

The filibuster was intended to extend debate—but today the filibuster isn't about debate at all. The filibuster—which used to be an extraordinary event—has become nothing more than a routine dilatory tactic.

And it is now a silent filibuster—you can expend next-to-no effort to slow down and stop the Senate from considering legislation.

These days, you don't have to come to the floor—or even be in Washington—to launch a filibuster.

And the silent filibuster is not just being used to thwart contentious bills.

Legislation is often stalled and noncontroversial nominees are often blocked for no other reason than to delay the Senate calendar.

Now here's the effect of the silent filibuster—we are not getting the people's business done.

And ordinary Americans are losing faith in our federal government and the legislative process.

The framers of the Constitution intended the Senate to be a deliberative body—not a chamber of silence.

The filibuster itself was meant to keep the flow of debate going—not to stop the Senate dead in its tracks.

My common sense bill—the “Mr. Smith Act”—is a modest measure that will bring Mr. Smith back to Washington by bringing the Senate back to its roots.

My bill preserves the rights of the minority and maintains the sixty (60) vote threshold to end debate.

It simply requires Senators who want to filibuster to actually filibuster.

Once cloture is filed on a motion, nomination or legislation, Senators who wish to keep debate going will have to come to the floor and voice their position to their colleagues and their country.

And if at any point these Senators give up the floor—we can move to an immediate cloture vote.

The Mr. Smith Act will bring deliberation back to the world’s greatest deliberative body.

And it will end the practice of delay solely for delay’s sake and restore America’s confidence in the legislative process.

Mr. Chairman, there are few people I have met in my lifetime that I have had more respect for than Senator Robert C. Byrd.

As we all know, his knowledge of Senate rules and procedure were unmatched.

While Senator Byrd never stated a position on my bill specifically, he was a fierce defender of the Framers’ intention that the Senate be a model for debate, discussion and deliberation. This past April, in a statement submitted to this very Committee, he said Senators should—QUOTE—“be obliged to actually filibuster, that is go to the floor and talk, instead of finding less strenuous ways to accomplish the same end.”

I believe minority rights are a hallmark of the Senate.

But I do not believe we are doing the right thing for this body or for our country by allowing legislative tools to be misused.

We must put the public good ahead of partisan politics, and we must insist that Senators take a stand, come out in the open and debate their differences.

Thank you again for inviting me to testify today—and more importantly, thank you for holding this critical hearing.

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